

**ARIZONA STATE PARKS (ASP)
NATURAL AREAS PROGRAM ADVISORY COMMITTEE
(NAPAC)**

Minutes of the meeting held:

Thursday, February 26, 2009

at:

**Rockin' River Ranch (RRR)
4513 S. Salt Mine Rd., Camp Verde, AZ**

A. CALL TO ORDER AND ROLL CALL

Committee Members Present: Sheridan Stone, Chair
Phyllis Hughes, Vice-Chair
Theresa Pinto
Patty West
Larry Laing
Max Castillo, *ex-officio*, ASP, Verde River Greenway (VRG)

Committee Members Absent: John Hays
Jeff Gawad

Other Individuals Present: Bob Casavant, ASP
Bob Sejkora, ASP
Ray Warriner, ASP
Joanne Roberts, ASP
Ruth Shulman, ASP

Guests: Ken Kingsley, PhD., Research, Inventory and Management
(RIM) Project
Amy Gaiennie, RIM Project
Michael R. Metherell, Caretaker, Rockin' River Ranch

B. INTRODUCTION OF MEMBERS AND STAFF

Members, staff and guests introduced themselves.

C. OLD BUSINESS

1. Approval of NAPAC Minutes for the January 15, 2009 meeting.

Mr. Laing noted that his name had been misspelled throughout the January meeting minutes and asked for a correction. Ms. Shulman apologized for the error. Ms. West moved that the minutes be accepted as amended. Mr. Castillo seconded the motion, which carried with no further discussion.

2. Discussion and selection of candidate for remaining open NAPAC position.

Ms. Shulman provided the members with applications from two prospective members. Those applicants were Jeanne Trupiano and Tom Skinner. Mr. Warriner asked which current members are familiar with one or both of the applicants. Chair Stone knows Mr. Skinner and suggested he apply. Mr. Skinner is a biologist with applied science expertise in wildlife, range management, and threatened and endangered (T&E) species, and has broad experience with many resource management areas. Chair Stone discussed other

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positive aspects of Mr. Skinner as a NAPAC candidate. Mr. Laing indicated that he also knows Mr. Skinner. He further asks what skill set the committee needs, and noted the strong urban planning experience of Ms. Trupiano.

Mr. Warriner said that he was slightly familiar with Ms. Trupiano. Mr. Castillo noted that Ms. Trupiano was involved in beginning the ASP Natural Areas Program and the original VRG planning. Discussion and review of the candidates' disciplines and education as well as their geographical locations followed.

Chair Stone called for the vote. By show of hand, the members voted unanimously to recommend that the ASP Board appoint Mr. Skinner to serve a term beginning as soon as the Board makes their decision and continuing until December 31, 2011.

3. Presentation of NAPAC binders to new members in CD format.

Ms. Shulman noted that as part of an ASP cost-savings strategy, the new member information, traditionally presented in a large hard-copy binder, is now on CD. The CD contains all of the documents normally in the binder. Chair Stone and Vice-Chair Hughes asked if they could receive a CD copy as well. Ms. Shulman will send copies to them (and all other NAPAC members) as soon as possible.

D. NEW BUSINESS

1. Presentation by Kingsley, Gaiennie and Castillo re: VRG and RRR Alternative Management Strategies.

Mr. Castillo provided a broad overview of the VRG Project using a PowerPoint presentation (available on request). He introduced himself and his background with Dead Horse Ranch State Park to becoming current Unit Manager of the Verde River Greenway Natural Area. The ASP Board created the Verde River Greenway (VRG) beginning in 1975, and Mr. Castillo was appointed VRGSNA Coordinator ten years ago. The VRG is considered a unit of the Dead Horse Ranch State Park (DHR).

The original scope of the VRGSNA encompassed 6 river miles from the Tuzigoot bridge to the Highway 89A bridge. One reason for its creation was to protect public access points to the river. In 2005, the ASP Board increased the scope of the VRG Project, and in the past two years approximately 249 acres have been acquired in the project area.

There are three main "missions" of the VRG: 1) Preserving natural and cultural resources; 2) providing appropriate recreation; and 3) managing the resources. Accomplishing those missions creates areas of focus for the VRG: 1) Water quality and quantity; 2) invasive species control; 3) bird inventory; 4) land usage, including illegal uses such as trespass and dumping; and 5) expanding the VRG. In order to accomplish work in these areas of focus, ASP and the VRG have formed partnership with NGOs and land management agencies in the Verde Valley.

Ms. Pinto asked Mr. Castillo whether the land acquisition for the VRG consisted of river bottom only. Mr. Castillo said that it depends on what land is available for acquisition. Chair Stone noted that the ASP Board authorized acquisition of "river miles".

Mr. Castillo showed several slides of the existing VRG and where the RRR fits into it. The ranch is surrounded by US Forest Service (USFS) land and the river. Mr. Laing asked whether there is a comprehensive watershed plan for the Verde Watershed. Mr. Castillo said that the plan is in process. Mr. Sejkora said that much of the watershed planning in the

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area is not focusing on the river and uplands, but rather on the headwaters. Information on watershed plans can be found by searching on the web using the keywords NEMO+AZ+H2O.

Dr. Ken Kingsley and Amy Gaiennie gave the next presentation. They are ASP Research, Inventory and Monitoring (RIM) volunteers with a project agreement to provide a Biological Evaluation (BE) of the RRR. Dr. Kingsley defined a BE as “a document that reviews potential exposure to concerns under the Endangered Species Act and follows a specific formula”. He further states that the BE (that he will provide) is a mixture of the broad and strict definitions of a BE.

The opening slides of the presentation represented a topographic map of the property, and an aerial photograph showing seven different assessor’s parcels of the property. The evaluation covers listed threatened and endangered (T&E) species, species of concern (federal and state, and management agencies,) charismatic species, and potentially problematic species.

Dr. Kingsley noted that there are several distinct vegetation communities and habitat types that have little or nothing to do with where species live. Those areas are:

- 1) Barren riparian shoreline – as of February 26 this area is underwater
- 2) Barren rock surface
- 3) Mixed deciduous pioneer forest – in the flood plain and sand bars
- 4) Channel bar wetlands – with sycamores and marshlands (maybe beavers)
- 5) Riparian grasslands/shrublands – small patches with only occasional flooding
- 6) Open water lentic – irregular ponds, 1.6 acres
- 7) Open water lotic – flowing water in ripples, pools and riffles
- 8) Prosopis woodlands – vegetated flood plain riparian/mesquite bosque with large trees
- 9) Developed land
- 10) Fallow pasture – approximately 60 acres with Russian thistle, sycamores and native grasses.

Dr. Kingsley discussed his method for receiving information on what species could be expected in the area, by using the Arizona Game & Fish Department (AGFD) Heritage Database, as well as the US Fish and Wildlife Service (USFWS) lists. The following species were noted as T&E or species of concern:

Plants, Invertebrates, and Fish

Arizona Cliffrose – not found, but could exist on a small cliff on the property

Maricopa Tiger Beetle – this is not a well-known species

Page Spring Snails – this very small snail could be located on the property

Pike Minnow, Desert Sucker, Roundtail Chub, Razorback Suckers, and Sonora Suckers – might be in the river but would not be thriving.

Amphibians and Reptiles

Lowland Leopard Frog/Chiricauha Leopard Frog

Mexican Garter Snakes

(Dr. Kingsley noted that these species may be on the property but it’s not likely as bullfrogs eat these.)

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Birds

Bald Eagles – likely to be in the area as they nest in Cottonwood trees and on cliffs
Southwest Willow Flycatcher (SWFL) – the property is located within the critical habitat for this bird. While canvassing the property in January, Dr. Kingsley and Ms. Roberts noted a nest in the appropriate habitat type that could have been that of last year's SWFL
Yellow-billed Cuckoo – may be on the property, which should be managed for habitat
Belted Kingfisher – species of concern in AZ
Black Hawks – may be seen later in the year

The next area of discussion was the charismatic species. These are defined as the sort of species that are attractive to people. There are two species mentioned by Dr. Kingsley:

River Otters – these were reintroduced into the Verde River area from Louisiana;
Vermillion Flycatcher – a very attractive bird.

Dr. Kingsley went on to discuss the problematic species noted on the property or listed by AGFD/USFWS as in the area:

Brown-headed Cowbird
Large-mouth Bass
Red Crayfish
Bull Frogs
English Sparrows (mildly problematic, but are a West Nile virus reservoir)
Tamarisk (an invasive species, but also nesting sites for the SWFL; management problem)
Tumbleweeds and Thorny Russian Thistle – disturbing these plants causes some issues, especially with native grasses.

It was noted by Dr. Kingsley that native grasses could be reseeded. However, the property has some ideal habitat for the Western Harvester Ant (observed on the property), which eats grass seeds. If the management plan called for reseeding native grass, the ants would need to be controlled first. There has been some success with using grass plugs, but those require more water, and create logistical issues.

Ms. Roberts noted that Barbados Sheep could be brought in to eat the Tumbleweeds. Mr. Castillo has a "connection" with several of these sheep available. Dr. Kingsley noted that bringing in the sheep would be strictly experimental and there is not much research on browsing/grazing animals and Tumbleweeds. They may represent a major management practice and would enrich the soil.

Ms. Pinto asked whether graduate students might conduct some of the management work on the property. Dr. Kingsley said that was a possibility, however there may be some issues with student work. He suggested perhaps focusing on thesis candidates as being of high dependability. There was a brief discussion of grants that may be obtained to complete some of the management goals.

Mr. Laing asked whether there were mesquite trees of different ages in the bosque. Dr. Kingsley said that the trees in the bosque represent a single age, likely from one flood event. Mr. Laing asked if the beavers in the area could affect the water level for the bosque. Dr. Kingsley responded that he thought the riverbank was probably incised too deeply. There is a berm on the property, which is below the more recent floodplain. Though beavers do have a role, the natural hydrology has been interrupted.

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Mr. Sejkora asked about the Sycamore trees: how far back from the river bottom they are, and also asked about their condition. Dr. Kingsley said that the Sycamores are far away from the water and senescent and dying. Ms. Pinto asked about the ground water table. Dr. Kingsley said that he didn't have information on the ground water table. Dr. Casavant asked what management actions could be done to enhance the vigor of the mesquite bosque. Dr. Kingsley said that he did not have any specific ideas. It may be that some trees will need to be removed to allow for more age diversity. Ms. Pinto said that the flood control district in Maricopa has a greenhouse with mesquite seedlings, which are available to use for reseeding. These seedlings have done well in areas with little to no water.

Ms. Hughes asked about the water rights that transferred to ASP with the purchase of the property. Mr. Castillo said that the property came with 54 irrigated acres using surface water from the Verde Ditch. The horse pasture is near the ditch. Mr. Sejkora there are four wells on the property. Mr. Castillo noted that when the property was purchased, the LLC, which currently runs the horse-boarding operation, leased back the property for three years. This allows ASP to continue with the water rights. Mr. Sejkora explained that the Salt River Project power company (by default) enforces the adjudication of water rights. The final adjudications are incomplete within the Verde Valley. Historically this is Verde Ditch land, which has not experienced an expansion as far as water rights. However, the "water courts" are likely to make conservative settlements on water cases. Chair Stone asked for clarification that SRP is not protecting their own water rights, but are enforcing matters that could potentially affect their waters. Mr. Sejkora responded positively. He feels that water rights changes are possible, but will be very difficult.

Ms. Roberts took this opportunity to formally introduce Dr. Kingsley and Amy Gaiennie and announce that the document they draft will be used as a management "starting point". Chair Stone thanked them for their work.

Mr. Sejkora went on to note that regarding the four wells on the property, the court still has to decide on the well-pump subflow. That decision could be important in the future.

Mr. Warriner reported on the results of the Phase I Environmental Report done on the property. There were some issues found: a leak from an APS transformer, and concerns about the process used to empty an old storage tank. These issues led to a Phase II report, and all the concerns have been dealt with. The transformer has been repaired, and samples taken from around the tank show no contamination or other issues. Mr. Warriner will scan the Executive Summary and send to NAPAC members.

Ms. Pinto asked if the testing had included the ground around the wells. Mr. Warriner said he didn't know but would find out. Chair Stone asked about the scope of the report(s) – whether it was limited to environmental risks and contamination, and how the information is obtained. Mr. Warriner replied that the information is largely obtained through historical research on the property. He will research other information and keep the committee informed.

(NAPAC adjourned for a brief break at 2:52pm and reconvened at 3:11pm.)

Chair Stone asked about the water rights for this property. He asked for clarification on what rights accrue to the property, especially how many acre-feet per year. Mr. Sejkora said that what was settled with SRP was approximately 3-3.5 acre-feet. There are currently

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discussions for transferring rights to ASP with/through SRP and the Department of Water Rights (DWR). Chair Stone noted that there will be a certain specific amount of water, and asked whether or not it would be need to be used in same way it is used now. Mr. Sejkora said that the water rights are maintained by irrigating the 54 acres mentioned earlier at least once every five years or they will be forfeited. Additionally the ASP must maintain its shares in the Verde Ditch annual assessment. The cost to maintain the shares could amount to \$5,000/year.

Ms. Hughes asked what priority the rights have. Mr. Sejkora said that the rights date from either 1860 or 1909, but in either case pre-statehood, and therefore have a high priority. Mr. Castillo said that the rights have been adjudicated and are awaiting full status. Mr. Sejkora explained that the general adjudication is still going on, and the Verde River adjudication has yet to happen.

Chair Stone asked about the use of the irrigated pasture and whether ASP must use 3.5 acre/feet (per acre) to irrigate. Mr. Sejkora responded that there are gray areas, but that DWR can ask for proof of use. Arizona maintains a list of acceptable reasons for non-use, and because ASP is not in the agriculture business, the acceptable uses may be shifted from agriculture irrigation to wildlife maintenance and recreation purposes. He also discussed deficit irrigation, and pointed out that irrigation must still take place. Further discussion followed on severance or redirection of water usage. Chair Stone asked in particular about transfer to in-stream flow. Mr. Sejkora said that to sever and transfer to in-stream would not reversible once done. Chair Stone noted that one reason for the urgency to purchase RRR was for the water rights. He wondered how aggressively ASP would defend its rights if the upstream water usage becomes more demanding. Mr. Sejkora said that the water rights and the riparian corridor were reasons for the RRR purchase. Mr. Warriner states that we cannot predict the future and much depends on the make-up of the ASP Board; he expects that the Board would protect these resources.

Further discussion followed on the Verde River Basin partnership, ASP constituents on both sides of the mountain, users in the headwaters, bifurcated water laws, and development issues.

2. Conflict of Interest, and Travel Reimbursement

Ms. Shulman noted that the Conflict of Interest statute, as applies to NAPAC, would be confined to recommendations for purchase of property. She suggested that members with any interest in a property recuse themselves from recommendation discussions. Ms. Hughes noted that the statute involves those with a financial interest. However, it is generally considered best to avoid the appearance of conflict.

Ms. Shulman also noted that for the time being, travel reimbursements are suspended due to budget concerns. The subject will be put back on the agenda when funds again become available. Mr. Laing asked if travel expenses should be tracked during the interim. Ms. Roberts said she would contact Nicole Armstrong-Best, ASP's Service and Programs Coordinator, for guidance on the issue.

3. ASP Budget Update

Ms. Shulman presented the current state of the ASP budget. Following legislative fund sweeps of \$34.6 million from ASP, the agency is left with few good choices for continuing its mission. At the moment, three parks have been closed (Tonto Natural Bridge, Jerome State Historic Park, and McFarland State Historic Park) with more closures looming. These

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figures and outlooks apply only the FY2009 budget. FY2010 (beginning July 1, 2009) is projected to be worse as far as the budget.

Reductions-in-Force (RIF), layoffs and furloughs are likely for the Phoenix office staff. The agency is taking steps to postpone those measures, such as transferring field personnel to parks experiencing high seasonal visitation. But in the eventuality that shedding staff becomes necessary, the Phoenix office will lose 18 people altogether and furlough 10 more.

Cost-cutting measures have been taken across the board, such as reducing telecommunications (especially cell phones and teleconferencing,) eliminating purchasing and travel reimbursement, and returning fleet vehicles to the state. Ms. Shulman noted how much money from the ASP budget has been taken, and Mr. Warriner said that the \$3.8 million in the Heritage Fund Natural Areas acquisition fund has been “swept” by the legislature.

One “bright light” of possibility is the passage of HB2088, which allows for money from the Growing Smarter program to be diverted to ASP and other land management agencies. The Growing Smarter fund was created as a result of Proposition 303, which means the money is voter-protected and not subject to sweep by the legislature. HB2088 would remove \$20 million from the Growing Smarter fund, of which \$13 million would be available to ASP. There would be considerable resistance, both by conservationists and many Democratic representatives, against making the funds available to the legislature (and thence to ASP). However it may be the only way that ASP can continue to operate, at least into part of the next fiscal year. Ms. Shulman encouraged NAPAC members to contact their legislators and urge passage of the bill. She provided them with the Legislature’s website address (azleg.state.az.us) where members could locate their specific representatives. Ms. Shulman also provided some suggestions for effective communication with representatives, such as not sending form messages, and identifying yourself as a constituent and voter. She also noted that a report on the economic impact of State Parks was available, broken down by various counties. This could provide other useful information in a message to representatives, and would underline some good reasons to keep the ASP open and functioning. The report is at azstateparks.com/publications/index.html#index

Dan Shein, Chief of Resource Management, asked Ms. Shulman to pass along some suggestions for how NAPAC could function in the era of cost cutting. He said that cutting back on meetings of the entire committee would allow subcommittees an opportunity to complete their tasks this year by focusing on subcommittee meetings. Chair Stone agreed. Various conference call and online meeting alternatives were discussed, including a free conference call web service that connects up to 100 people. Chair Stone asked that Staff look into this for NAPAC.

E. SUBCOMMITTEE REPORTS

1. Natural Areas Management Guidelines (NAMG) subcommittee: Update on the status of the guidelines, next steps, and feedback.

Ms. Roberts said that the NAMG has been growing over the past couple of years. The newest version of the guidelines has been sent out with the key guiding principals of why management guidelines are necessary for properties acquired as natural areas. The next step would be to achieve greater participation from park and park unit managers, and to

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adequately deal with inappropriate or incompatible uses that are currently going on within natural areas. Chair Stone identified the framework and asked for new-member participation. Ms. Pinto, Mr. Laing will join the NAMG.

2. Land Acquisition, Selection and Prioritization Subcommittee (LASP): Update and report including status of the Scorecard, next steps and feedback

Ms. Hughes noted that she, former NAPAC member Don Young (a hydrologist) and (with the loss of a biologist member of the subcommittee) Ms. Roberts, are the members of the LASP subcommittee. The process began at the urging of the Auditor General of Arizona. There is a solid draft of a prioritization plan done, but the process is still a work in progress. Chair Stone noted that the Scorecard should be “beefed-up” on the balance, and members with biological and planning/critical thinking skills are need for the subcommittee. Ms. Roberts noted that she felt three more meetings would “hash out” the issues remaining. She gave NAPAC members a copy of the scorecard for the state Growing Smarter program. Ms. West will join the LASP.

F. PUBLIC COMMENT

None.

G. BOARD COMMENTS, REQUESTS, AND ITEMS FOR FUTURE AGENDAS

None.

H. TIME AND PLACE OF FUTURE MEETINGS

March 26, time and place to be determined – subcommittees only to meet regarding their tasks, including completion schedules in detail.

I. ADJOURNMENT

Chair Stone adjourned the meeting at 4:59pm.

Prepared by Ruth Shulman on March 5-6, 2009, and reviewed by Joanne M. Roberts, Arizona State Parks NAPAC Coordinator on March 11, 2009.

APPROVED BY A UNANIMOUS VOTE OF THE NATURAL AREAS PROGRAM
ADVISORY COMMITTEE ON MAY 13, 2009

Affirmed by:

/s/ Sheridan Stone
Sheridan Stone, Chair

Date: May 13, 2009